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Congress of the United States
Washington, DC 20515

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May 1, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

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Northpoint
PK
MKP
1388

98-2061

Dear Mr. Chairman:

Two years ago many of us from the Texas congressional delegation wrote to your predecessor to call his attention to an innovative wireless technology, developed in Texas by Northpoint Technology, that would provide much-needed competition to cable and DBS incumbents. For Texans in less populated areas, it would provide the only access to local television signals and high-speed Internet service.

Currently, there are a total of 130 television stations operating the 19 local television markets that serve the State of Texas. Northpoint Technology will carry all of those stations on the first day it commences operations. In marked contrast, the DBS carriers have opted to carry a total of only 16 stations and serve only 4 markets, leaving behind the majority of stations in Texas.

Many Texans are unable to get broadband access to the Internet, and those who do often have to pay hefty rates. Northpoint's digital system would enable all Texans to enjoy the same broadband opportunities that are now available only to consumers in more populated centers.

When the delegation wrote to your predecessor, Northpoint's system had been tested twice under experimental licenses, with no reported interference to any DBS subscriber. As the comment period on the relevant rulemaking concluded in the spring of 1999, it seemed reasonable to expect a timely decision on whether to grant licenses to Northpoint's affiliates.

We write to you today to express our concern with the Commission's inaction on this matter. It is our understanding that in the two years that have transpired since the first delegation letter, Northpoint's system could have been fully deployed throughout all of the nation's 210 local television markets.

The Satellite Home Viewer Improvement Act directed the Commission - by no later than November 29, 2000 - to "take all actions necessary to make a determination regarding licenses" for services (such as Northpoint's) that are capable of delivering local signals into markets not

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served by DBS. On that deadline date, the Commission concluded Northpoint would not cause harmful interference to DBS.


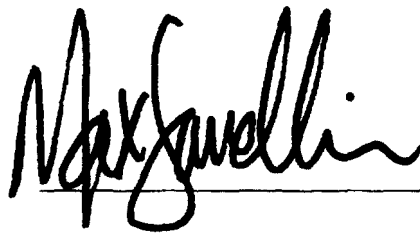
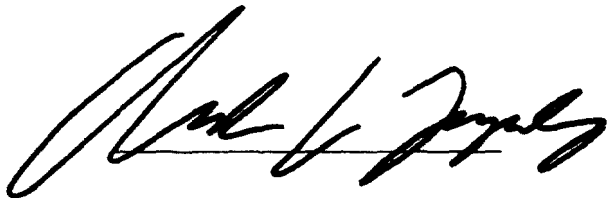
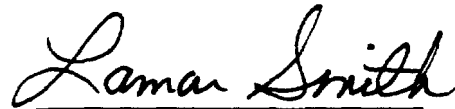
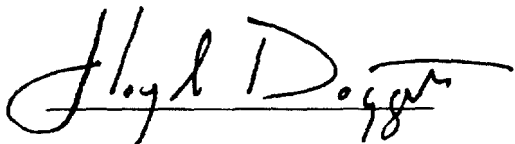
It appears the Commission is now on a course to actually prolong a decision on the licenses by commencing entirely new rulemaking procedures regarding the allocation of licenses, including seeking comment on holding an auction. While auctions have merit for many services, we do not support them in this case because no company, other than Northpoint, has demonstrated a terrestrial technology that can share the spectrum with DBS. Thus, an auction would not hasten service to the public, but delay it, perhaps indefinitely.

Further, we understand that Northpoint applied to the FCC at the same time as eight satellite applicants, none of whom the Commission plans to subject to an auction. Basic fairness and good public policy dictate that companies who apply on the same day to use the same resources be treated in the same manner.

We hope that the FCC can resolve this long-standing regulatory issue in a matter of weeks. Northpoint first brought its system to the FCC in 1994, and we are confident that you will agree that it is time to clear the regulatory obstacles so that this technology can finally enter the marketplace.

Thank you for your consideration of this matter. We look forward to hearing from you.

Sincerely,



Walt Samp

Sheela Jackson Lee

Pon Paul

Jim Zinn

Mac Zing

Larry Cornbert

Charlie Stenholm

Letta Stetter

Eddie Bernice Johnson

Ralph M. Hall

Max Fross

John Ory

Kevin Bracy

RJ Bonilla

Rubin Hernandez

He Han

Brian J. S. S. S.

Cris D. Hernandez

Sam Johnson

Chad Edwards



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON
June 15, 2001

The Honorable Lloyd Doggett
U.S. House of Representatives
328 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Doggett:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

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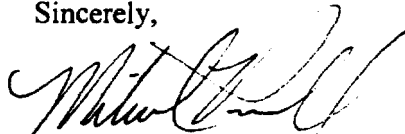
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in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

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Michael K. Powell
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Lamar S. Smith
U.S. House of Representatives
2231 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

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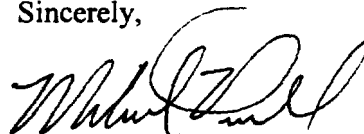
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The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

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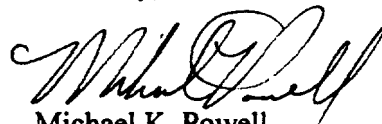
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Michael K. Powell
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Kay Granger
U.S. House of Representatives
435 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Granger:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

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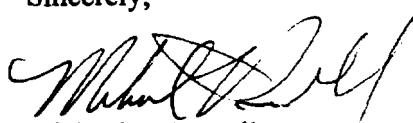
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Michael K. Powell
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Max Sandlin
U.S. House of Representatives
324 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Sandlin:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

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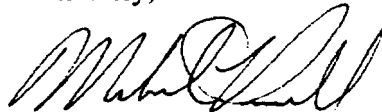
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Michael K. Powell
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON
June 15, 2001

The Honorable Ken Bentsen
U.S. House of Representatives
405 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Bentsen:

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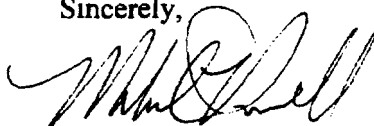
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Michael K. Powell
Chairman



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON
June 15, 2001

The Honorable Nick Lampson
U.S. House of Representatives
417 Cannon House Office Building
Washington, D.C. 20515

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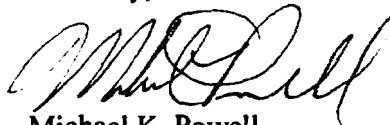
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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Sheila Jackson-Lee
U.S. House of Representatives
403 Cannon House Office Building
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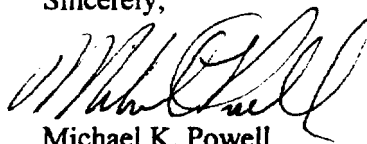
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The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

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Michael K. Powell
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Ron Paul
U.S. House of Representatives
203 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Paul:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

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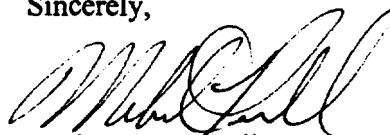
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The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

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Michael K. Powell
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Jim Turner
U.S. House of Representatives
208 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Turner:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

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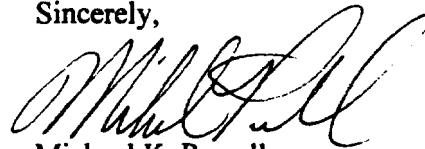
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The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

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Michael K. Powell
Chairman

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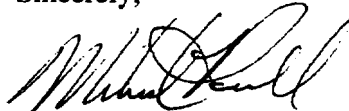
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Michael K. Powell
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON
June 15, 2001

The Honorable Charles Stenholm
U.S. House of Representatives
1211 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

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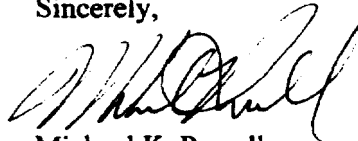
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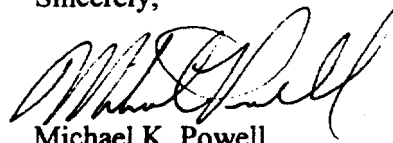
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OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON
June 15, 2001

The Honorable Eddie Bernice Johnson
U.S. House of Representatives
1511 Longworth House Office Building
Washington, D.C. 20515

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